

**IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA)
)
 v.) CR. NO. 2:06-CR-148-WHA-03
)
 BENJAMIN L. VANBUREN)

**UNITED STATES' MOTION FOR DOWNWARD DEPARTURE
FOR ACCEPTANCE OF RESPONSIBILITY**

Comes now the United States of America, by and through Leura Garrett Canary, United States Attorney for the Middle District of Alabama, and respectfully moves this Court to reduce by one (1) level Defendant's offense level based on Defendant's acceptance of responsibility. As grounds for this Motion, the United States avers as follows:

1. On June 14, 2006, a six-count indictment was filed in this Court charging Defendant with one count of violating 18 U.S.C. § 846, and one count each of violating 18 U.S.C. § 841(a)(1) and 924(c)(1) respectively.
2. Defendant notified the United States of Defendant's intent to plead guilty to Counts 1 and 6 sufficiently early to permit the government to avoid preparing for trial and to allocate its resources efficiently. Defendant pled guilty on or about July 2, 2007.
3. Therefore, pursuant to advisory United States Sentencing Guidelines § 3E1.1(b), as amended, the United States makes this formal motion for a one-level reduction in Defendant's offense level for acceptance of responsibility such that the total reduction in offense level for Defendant's acceptance of responsibility shall be three (3) levels.

WHEREFORE, the United States respectfully requests that this Motion be granted.

Respectfully submitted this the 7th day of September, 2007.

LEURA G. CANARY
UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I hereby certify that on August 13, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to Jeffery C. Duffey, 600 South McDonough St., Montgomery, Al 36104.

Respectfully submitted,

/s/ Stephen P. Feaga
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